

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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ACEA MOSEY, *as Public Administrator of the
Estate of John S. Reardon,*

Plaintiff,

v.

COUNTY OF ERIE, ET AL.

Defendants.
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DECISION AND ORDER
10-CV-405S

This is a wrongful death action arising out of the decedent's April 30, 2008 suicide while an inmate at the Erie County Holding Center. Before this Court is a Petition for Approval of Wrongful Death Settlement and Sealing. (Docket No. 63.) Because this action was brought on behalf of an estate, it cannot be settled without leave of this Court. See Local Rule 41(a)(2)(A).

This Court has considered Plaintiff's motion and the terms of the settlement agreement, which contains confidentiality provisions that warrant filing it under seal. Based on that review, this Court finds that the proposed settlement is in the best interests of the estate and distributees. In so finding, this Court has considered (1) the circumstances giving rise to the claim, (2) the nature and extent of the damages, (3) the terms of the settlement and amount of attorneys' fees and other disbursements, (4) the circumstances of any other claims or settlements arising out of this same occurrence, and (5) the plaintiff's statement of why she believes this settlement is in the best interest of the estate and the distributees. See Local Rule 41(a)(2)(I)-(iv). Plaintiff's application will therefore be granted and this settlement approved.

IT HEREBY IS ORDERED, that Plaintiff's Petition for Approval of Wrongful Death Settlement and Sealing (Docket No. 63) is GRANTED.

FURTHER, that the proposed settlement is APPROVED.

FURTHER, that the Clerk of Court is directed to file the Petition; the Affirmation of Michele Braun, Esq.; and the Waiver and Consents of John C. Miller, Esq., Seth Reardon, and Ashley Reardon, under seal.

FURTHER, that the attorney's fees and disbursements are APPROVED.

FURTHER, that the net recovery is allocated in full to the wrongful death cause of action.

FURTHER, that the Public Administrator's commission is APPROVED.

FURTHER, that the remainder of net proceeds must be paid and distributed to the distributees, Ashley Reardon and Seth Reardon, in equal shares.

FURTHER, that the Public Administrator is authorized to sign whatever settlement documents necessary to finalize this settlement.

FURTHER, that Defendants shall issue a check payable to "Acea Mosley, as Public Administrator for the Estate of John S. Reardon, deceased, and the law firm of Lipsitz Green Scime Cambria LLP" for the total settlement amount.

FURTHER, that pursuant to the agreement of the parties and Order of this Court, the terms of the settlement are deemed confidential and not subject to disclosure.

FURTHER, that the Public Administrator is DIRECTED to petition the Erie County Surrogate's Court for a Final Decree and approval to close the estate.

FURTHER, that the Clerk of Court is directed to close this case.

SO ORDERED.

DATED: December 17, 2012
Buffalo, NY

/s/William M. Skretny
William M. Skretny
Chief Judge
United States District Court